<u>**REMARKS**</u>

Claims 1, 3, 4, 14, 17, 18, 27, 30, and 32 have been amended, and new claims 35-40 have been added. Accordingly, claims 1-40 remain pending.

The Examiner has objected to the drawings as failing to comply with 37 CFR 1.84(p)(5) because they do not include reference signs as mentioned in the specification: "communication diagram" 200 on page 13, "communication diagram" 300 on page 17, and "telephony" 631 on page 21. These labels have been added to Figures 2, 3, and 4, respectively.

The drawings are also objected to because they include reference characters not mentioned in the description: element 120 of Figure 1 and element 661 of Figure 4. The specification has been amended to add the 120 reference, and element 661 has been amended to "631" in Figure 4.

The Examiner has objected to claims 4-5 and 17-18 under 37 CFR 1.75(c), as being of improper dependent form for failing to limit the subject matter of the previous claim. These claims have been amended to comply with the requirements of the 37 CRF 1.75(c).

The Examiner has rejected claim 30 under 35 U.S.C. §112, second paragraph, as being indefinite as not providing antecedent basis for the limitation "computer system." Claim 30 has been amended to correct this problem.

The Examiner rejected claims 1-34 under 35 U.S.C. §103(a) as being unpatentable over PacketCable™ in view of Kung et al. (U.S. patent 6,917,610). The Examiner's rejections are respectfully traversed as follows.

Claim 1 is directed towards a "method for translating communication data within a call endpoint system in a cable network." Claim 1 further requires "within a first call endpoint system, receiving a first data sent by a first user agent to a second user agent, the first data using a first communication protocol, the first user agent being part of the first call endpoint system and the second user agent being part of a second call endpoint system" and "within the first call endpoint system, initiating one or more second data transaction(s) with one or more intermediary cable components within the cable network based on such first data, the second data using a second communication protocol that is also utilized by the one or more cable components, the one or more intermediary cable components being configured to send one or more third data based on the second data or other data sent by the first agent to the second user agent." Claim 1 also recites "wherein one of the first or second call endpoint systems is an originator of a particular call and the other of the first and second call endpoint system is a terminator of the

particular call, and the first and second data forms part of the particular call, wherein each of the first and second call endpoint systems includes a device for receiving audio input." Claim 14 is directed towards a computer system operable to perform operations similar to claim 1, while claim 27 is directed towards a computer program product that includes computer program instructions stored within the at least one computer readable product configured to perform operations similar to claim 1. Claim 32 is directed towards an apparatus which recites "wherein the call endpoint system in which translation occurs includes a device for receiving audio input." In other words, translation between a first protocol occurs or is configured to occur within a call endpoint system that includes a device for receiving audio input. Providing translation between protocols in the call endpoint allows the endpoint to utilize any calling application that has a different protocol than any of the intermediary devices between the endpoints.
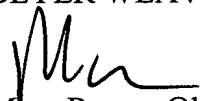
The cited references PacketCable and Kung et al. fail to teach or suggest a mechanism for translating between a first and a second protocol, wherein such translation occurs within a call endpoint system that includes a device for receiving audio input. The Examiner admits that the reference PacketCable fails to teach that translation occurs in the endpoint. It is also respectfully submitted that the secondary reference Kung et al. fails to teach or suggest the claimed mechanism for translating within a call endpoint system that includes a device for receiving audio input, the manner claimed. The Examiner cites Kung et al. as teaching translation being performed in an endpoint in Col. 6, Lines 62-65. Specifically, this section recites that "[t]he network operations center (NOC) may be variously configured to include a translation server to allow communications with the various disparate entities (e.g., legacy systems) in the broadband network 1." This NOC is not an endpoint system that includes a device for receiving an audio input, in the manner claimed. Instead, the NOC is taught as an intermediary server.

Although Kung et al. teaches such audio input devices as being coupled to a customer premise equipment devices 112 (Col. 5, Lines 24-31), these endpoint systems fail to include translation mechanisms. Rather, Kung et al. teaches translation as occurring only in an intermediary device, i.e., NOC, which is not coupled to an audio input device. For instance, Kung et al. teaches a secure management data network 190 which can include this translation NOC. Col. 5, Lines 65-66 and Figure 1. Kung et al. also teaches that this NOC can reside in an administration center 155, IP central station 200, or billing system 195. See Col. 6, Lines 59-61 and Figure 1. In sum, Kung's description of translation between calling protocols appears only with respect to an NOC which resides in an intermediary device that does not include an audio input device. Accordingly, Kung et al. fails to teach or suggest a mechanism for translating between a first and a second protocol, wherein such translation occurs within a call endpoint system that includes a device for receiving audio input, in the manner claimed.

The Examiner's rejections of the dependent claims are also respectfully traversed. However, to expedite prosecution, all of these claims will not be argued separately. Claims 2-13, 15-26, and 28-40 each depend directly or indirectly from independent claims 1, 14, or 27 and, therefore, are respectfully submitted to be patentable over cited art for at least the reasons set forth above with respect to claims 1, 14, and 27. Further, the dependent claims require additional elements that when considered in context of the claimed inventions further patentably distinguish the invention from the cited art. For example, claims 35 and 38 require that the endpoint system that is operable to perform protocol translation further includes a CPE and claims 36 and 39 recite "wherein each device for receiving audio input is a telephone and each CPE is in the form of a set top box or a cable modem." The cited references fail to teach or suggest such limitations for a call endpoint for performing translation.

Applicant believes that all pending claims are allowable and respectfully requests a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

Respectfully submitted,
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